

March 18, 2010

RESEARCH REVIEW



Budget presentations before the House Finance Committee are coming to a close. Members of the committee heard from a number of departments this week, including the Department of Transportation.

RESEARCH REVIEW
MARCH 18, 2010

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03	AGRICULTURE
04	CHILDREN & FAMILY AFFAIRS
05	COMMERCE
07	CONSERVATION & ENVIRONMENT
09	CONSUMER & EMPLOYEE AFFAIRS
11	EDUCATION
13	FINANCE, WAYS & MEANS
16	GOVERNMENT OPERATIONS
19	HEALTH & HUMAN RESOURCES
21	JUDICIARY
25	STATE & LOCAL GOVERNMENT
30	TRANSPORTATION



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AGRICULTURE

Jeremy Maxwell

THE FULL COMMITTEE

The Agriculture Committee met Tuesday to consider eleven bills on calendar.

The following bills were *deferred one week*:

HB 3748 (Sontany) prohibits smoking within 50 feet of any entrance to any building that provides library services to children.

HB 3379 (Sontany) changes the required holding period by a humane society before destroying an abandoned animal from 72 hours to 120 hours.

HB 3386 (Sontany) makes the offense of animal cruelty applicable to all animals and requires that a person intentionally rather than knowingly deprive an animal of food or water in order to commit the offense.

HB 3858 (Towns) requires plants and seeds sold in Tennessee to be labeled to indicate open pollination, genetic modification, or hybridization.

HB 3570 (Rowland) creates Class C misdemeanor for an owner or employee of age-restricted venue to allow access to its buildings or facilities to persons who are under 21 years of age.

HB 3913 (Lundberg) creates a Class A misdemeanor offense for a person who was previously convicted of animal cruelty if such person subsequently violates an animal custody restriction imposed by the sentencing court.

HB 163 (Weaver) clarifies that age-restricted venue exception to no smoking law applies only to persons entering such facilities other than employees.

HB 3738 (Niceley) prohibits sale of seeds that have been genetically modified to render plant produced or second generation seeds sterile; enacts the Anti-Terminator Gene Act of 2010.

HB 1159 (Niceley) enacts the “Tennessee Small Farm Economic Revitalization Act.”

HB 1427 (Niceley) enacts the “Tennessee Small Farm Economic Revitalization Act.”

HB 3136 (Bone) requires country of origin labeling of catfish and catfish products.

GENERAL SUBCOMMITTEE OF AGRICULTURE

The subcommittee is closed subject to the call of the chair.



Representative Rowland

CHILDREN & FAMILY AFFAIRS

Amelia Mitchell

THE FULL COMMITTEE

The **Children & Family Affairs Committee** met on Tuesday March 16th and considered the following legislation:

Passed to Calendar & Rules:

HB 3420 by Rep. Litz as amended requires an official from the appropriate facility or the Department of Children's Services to notify local law enforcement of an escape from a secure detention center or correctional facility by a juvenile who is alleged to be adjudicated delinquent for an offense that would be a felony if committed by an adult.

HB 2443 by Rep. Hardaway requires a school or daycare official to verify the identity of a person seeking custody of a child before permitting the requested change in the child's custody arrangement at the school or daycare.

Passed to Finance, Ways & Means:

HB 3720 by Rep. Maddox creates a task force to study the statewide replication of Carroll Academy.

Deferred one week:

HB 2372 by Rep. Montgomery states that no adoptive parent shall be required to pay child support to DCS if the adopted child is in DCS custody being found delinquent or unruly.

HB 5 by Rep. Hardaway requires the court to set a presumptive date for terminating the child support obligation except when medical support or other fees may be due to support a disabled child or to comply with a court order requiring support for a child through college.

HB 33 by Hardaway as amended requires notice be given to a parent

before the parent is considered to have willfully failed to support or visit a child for purposes of termination of parental rights.

FAMILY JUSTICE SUBCOMMITTEE

The **Family Justice Subcommittee** met on Tuesday March 16th and considered the following legislation:

Taken off notice:

HB 2658 by Rep. Favors
HB 1134 by Rep. Hardaway
HB 2499 by Rep. Hardaway

Deferred one week:

HB 3115 by Rep. Sherry Jones
HB 3425 by Rep. Litz
HB 3568 by Rep. Rowland

DOMESTIC RELATIONS SUBCOMMITTEE

The **Domestic Relations Subcommittee** met on Tuesday March 16th and considered the following legislation:

Passed to Full Committee:

HB 2700 by Rep. Dennis creates a rebuttable presumption of substantial harm to a child if the child is not granted visitation with a grandparent who is the parent of the child's deceased parent.

HB 3426 by Rep. Hackworth clarifies that any spouse of a relative is also a legal relative or related.

HB 2627 by Chairman DeBerry specifies that a court's placement recommendation regarding a child in the custody of the department shall be based on a preponderance of the evidence



Chairman DeBerry

HB 2628 by Chairman DeBerry requires a court to find that the department of children's services or licensed child placing agency has made reasonable efforts to place a child for adoption and that it is in the best interest of the child before awarding guardianship to a permanent guardian.

HB 2630 by Chairman DeBerry makes changes regarding permanency plans for foster care, including giving parents the right to attend and participate in foster care permanency plan reviews and changing the suggested membership of foster care review boards.

HB 2995 by Chairman DeBerry enacts the "Uniform Child Abduction Prevention Act."

Deferred one week:

HB 3427 by Rep. Hackworth
HB 3647 by Rep. Stewart
HB 3423 by Rep. Litz

HB 3424 by Rep. Litz
HB 3114 by Rep. Sherry Jones
HB 1131 by Rep. Hardaway
HB 1132 by Rep. Hardaway
HB 1133 by Rep. Hardaway
HB 2442 by Rep. Hardaway
HB 3081 by Rep. Fraley

Taken off notice:
HB 3536 by Rep. Maddox
HB 20 by Rep. Hardaway



THE FULL COMMITTEE

The **Commerce Committee** passed out three bills on Tuesday during its full committee meeting.

HB 2984 (Mumpower) would add licensed martial and family therapists to the list of mental health professionals that are eligible for reimbursement if the service is covered under an insurance policy. An amendment was adopted that would also add licensed professional counselors to the list.
[passed to Calendar & Rules]

HB 3002 (McDaniel) changes the limit on health insurance benefits that the Tennessee life and health insurance guaranty association may be obligated to cover for policies or contracts issued by a member insurer that becomes insolvent. Under the amendment, the limits for health insurance benefits will be \$100,000 for coverage that is not defined, \$300,000 for disability insurance and long term care insurance, and \$500,000 for basic hospital, medical and surgical insurance or major medical insurance.
[passed to Calendar & Rules]

HB 1242 (Curtiss) as amended, requires an individual to obtain a masonry contractor license if the individual does masonry construction that exceeds \$100,000 in materials and labor per job.
[passed to Finance, Ways & Means]



Representative Stewart

HB 3654 (Stewart) enacts the “Green Jobs Act.” The bill requires the Department of Labor & Workforce Development to develop a state plan to initiate green jobs programs and job creation in renewable energy and energy-efficiency industries. The bill also creates a green jobs fund consisting of federal dollars to support in the program. The bill was rolled to get a revised fiscal memo to see if the amendment eliminated the administrative costs.
[rolled for one week]

HB 2367 (Stewart) would end the practice of “client billing” for pathology services. In a “client billing” scenario

the doctor is billed for the pathology services he requested by the laboratory or pathologist who provided the services. The doctor then bills either the patient or the patient’s insurance. This legislation would prohibit this billing practice and require the pathologist to bill the patient or insurance company directly.

Three amendments were adopted by the committee. The first amendment rewrites the bill and includes an exemption for gastroenterologists until 2012. In the interim, any gastroenterologist may submit their billing practices to the Board of Medical Examiners. The Board may then make recommendations to the General Assembly on whether the exemption should be extended. The second amendment makes a technical change. The third amendment clarifies that the legislation would not affect any existing contracts. The committee heard testimony from both sides of the issue before running out of time. Discussion on the bill will continue next week.
[rolled for one week]

The following bills were rolled for one week:

HB 3641 (Todd)
HJR 748 (Hardaway)
HB 3773 (McManus)
HB 3824 (Stewart)

UTILITIES & BANKING SUBCOMMITTEE

The **Utilities & Banking Subcommittee** met on Tuesday and moved two bills to the full committee.

HB 2970 (Odom) extends the deadline for the TACIR study on underground utility damage prevention to January 17, 2011.

[moved to full committee]

HB 3159 (Curtiss) as amended, creates a \$300/per day penalty if a party involved in a construction contract withholds retained funds and fails to deposit the funds in an escrow account. Also, failure to deposit the funds within seven days of written notice will be a Class A misdemeanor.

[moved to full committee]

HB 3708 (Towns) requires banks to process checks sequentially by the number on the check on the day the check is charged against the customer's account. During discussion, some members expressed concern over the logistical problems this may create for banks with electronic debits and checks written out of sequence or processed differently by third parties. There were also some questions as to the fiscal note and the Department's need for additional staff to enforce the legislation. The bill was rolled for further consideration.

[rolled for one week]

The following bills were rolled for one week:

HB 2727 (Campfield)

HB 3540 (Maddox)

HB 57 (Hardaway)

HB 1498 (Turner J)

HB 3111 (Richardson)

HB 3112 (Richardson)

HB 3113 (Richardson)

HB 3511 (Richardson)

HB 3512 (Richardson)

SMALL BUSINESS SUBCOMMITTEE

The **Small Business Subcommittee** met on Wednesday and moved one bill to the full committee.

HB 3812 (Hardaway) revises various provisions regarding licensure for locksmiths and locksmith apprentices. The bill requires that businesses register with the state as a locksmith business. Also, locksmith licenses and locksmith apprentice registrations may be renewed up to 90 days after expiration if renewal and penalty fees are paid. If the individual fails to renew within the time allotted, then they must file a new application. The bill also clarifies continuing education requirements.

[moved to full committee]

HB 2885 (Mumpower) was rolled for one week.

The following bills were taken off notice:

HB 24 (Hardaway)

HB 34 (Hardaway)

HB 41 (Hardaway)

HB 2494 (Hardaway)

HB 2775 (Hardaway)

HB 2818 (Hardaway)

Small Business Subcommittee will be hearing its final calendar on March 24, 2010.

INDUSTRIAL IMPACT SUBCOMMITTEE

The **Industrial Impact Subcommittee** met on Wednesday and moved three bills to the full committee.

HB 2794 (Curtiss) would add masonry contractor work to the list of information required to be on the outside of the envelope containing a bid. The amendment limits the requirement to masonry work that exceeds \$100,000 in labor and materials.

[moved to full committee]



Representative Sargent

HB 148 (Sargent) as amended, would make certain filings by insurers confidential and protected if the Commissioner determines that such information is a trade secret. The burden would be on the insurer to assert to the Commissioner that the information they are filing is a trade secret.

[moved to full committee]

HB 1415 (Sargent) as amended, would allow the Commissioner to waive the 3-year requirement for out-of-state insurers before they can do business in Tennessee. Currently, an out-of-state insurer must be organized and actively engaged in the insurance business in the state of its incorporation for a period of three years prior to the date of its application to be admitted and authorized to do business in Tennessee.

[moved to full committee]

HB 3717 (Carr) as amended, would require insurers who offer Medicare supplement policies for those 65 or older to those under 65 who are disabled. These individuals would be in a separate premium rating from those 65 and older. After five years, the Department is required to study

Utilities & Banking Subcommittee is expected to hear its last calendar on March 30, 2010.

whether the separate premium rating is justified. The subcommittee rolled the bill to give more time for consideration of the new amendment.
[rolled for two weeks]

HB 636 (Maggart) requires health insurance coverage of hearing aids for minors. Rep. Maggart told the subcommittee that an amendment is currently being worked on. The amendment would mandate coverage for \$1,000 every three years till the age of 18. There is expected to be language involving audiologists for proper fitting of hearing aids. Also, only the casing for the hearing aids would be

replaced for very young children instead of the entire hearing aid.
[rolled for one week]

HB 3801 (Armstrong) was rolled for one week.

The following bills were rolled for two weeks:

HB 396 (Fincher)
HB 3322 (Hackworth)

The following bills were taken off notice:

HB 3317 (Matheny)
HB 2942 (Hackworth)
HB 3615 (Casada)

HB 1461 (DeBerry J)
HB 3373 (Sargent)
HB 2105 (Shepard)

HB 3059 (Niceley) failed on a voice vote.

Industrial Impact Subcommittee is expected to hear its last calendar on March 31, 2010.

CONSERVATION & ENVIRONMENT

Jeremy Maxwell

THE FULL COMMITTEE

The Conservation and Environment Committee met Tuesday to consider one bill. **HB 725 (Hensley)** was *deferred one week*. This bill specifies no person shall hunt on or over any baited area where such person knows

or reasonably should have known that the area is or has been baited.

The committee also heard testimony from Brian Paddock, Tennessee Environmental Council, on the TVA ash spill in Kingston, TN.

ENVIRONMENT SUBCOMMITTEE

The Environment Subcommittee met Tuesday to consider six bills on calendar. **HB 3718 (Armstrong)** was *referred to full committee*. This bill requires that, for the purpose of ad valorem property taxation, the value of certain facilities that extract, purify, dehydrate, or otherwise treat landfill methane be assessed at the same percentage as a qualified pollution control facility.

The following bills were *deferred one week*:

HB 3843 (Litz) requires the department of environment and conservation to conduct, or have conducted, a study of dams in this state that are currently exempt from regulation under the Safe Dams Act

because they are diversion weirs, farm ponds or wastewater impoundment barriers.

HB 3842 (Maddox) revises various present law provisions regarding petroleum underground storage tanks. **HB 2837 (Floyd)** includes all minerals under provision clarifying interpretation of property conveyances and requires permitting for rock harvesting. **HB 455 (McDonald)** prohibits the department of environment and conservation from issuing permits related to surface mining activities under certain circumstances. **HB 3287 (Lynn)** requires legislative approval prior to adoption of regulatory programs concerning greenhouse gas or motor vehicle fuel economy.

The Environment Subcommittee will conclude its business next week.

WILDLIFE SUBCOMMITTEE

The Wildlife Subcommittee met Tuesday to consider two bills on calendar.



Chairman McCord

The following bills were *deferred one week*:

HB 958 (McCord) increases from 30 to 45 days the time in which person cited for not wearing flotation device must provide proof of legal age. It also extends from 30 to 45 days time for proving age may be extended at discretion of officer.

HJR 786 (Faulkner) naming and designating Campbell County, “Elk Capital of Tennessee”.

The Wildlife Subcommittee will conclude its business next week.

PARKS SUBCOMMITTEE

The Parks Subcommittee met Wednesday to consider five bills on calendar.

The following bills were *referred to full committee as amended*:

HB 3909 (Lynn), as amended, rewrites the bill. It deletes requirement

for a state park master plan and adds a requirement for a state park management plan. The bill requires analysis of whether the revenue-generating facilities in the park are self-sustaining be included in the plan. Also requires each management plan be posted on the Department of Environment and Conservation’s Web site.

HB 3055 (Watson), as amended, rewrites the bill. It changes the limit on the daily commercial carrying capacity as described in the bill summary to 4,250 rather than 4,500, removes the requirement that the department conduct an annual study, removes the requirement that the limits will not apply for two days during the rafting season, and replaces park management’s authorization to increase the daily commercial carrying capacity by up to 500 additional commercial customers per day with authorization for the park management to increase or decrease the daily commercial carrying capacity so long as any decrease does not go below 4,000 commercial customers.

HB 3466 (McCord) increases membership of Tennessee heritage conservation trust fund board of trustees from 11 to 13 with the speaker of each respective house appointing one trustee. The bill also transfers one percent of the revenue received each year from the real estate transfer tax into the Tennessee Heritage Trust Fund.

The following bills were *referred to full committee*:

HB 3755 (West) requires the department of environment and conservation to maintain a seasonal interpretive ranger at Long Hunter state park.

HB 3904 (Winningham) enacts the “Tennessee Adventure Tourism and Rural Development Act of 2010.”

The Parks Subcommittee will conclude its business next week.

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CONSUMER & EMPLOYEE AFFAIRS

Lucy Wilson



Chairman Matheny

THE FULL COMMITTEE

The full committee met on Wednesday, March 17, 2010, to hear three bills on calendar.

Passed to Calendar & Rules:

HB 2685 by Hill (SB 2753 by Johnson) allows employers to require that English be spoken in the workplace if necessary to conduct the employer's business. As amended, the bill defines "a business or safe workplace necessity"; and makes a distinction between work and a meal period, rest period or other break not considered work time; additionally, it changes "...it shall not be an unlawful employment practice..." to "it shall be an allowable employment practice...". The bill was further amended by deleting "For cooperative work assignments in which the English-only rule is needed to promote efficiency." from the definitions for "A business or safe workplace necessity."

HB 3523 by Harwell (SB 3407 Burchett), as amended, establishes violations of the Consumer Protection Act concerning "covered file-sharing programs".

A "covered file-sharing program" means a computer program, application, or software that enables the user to designate files as available for searching by and copying and transmitting to other computers, and to request the transmission of such designated. "Covered file-sharing program" does not mean a program designed to operate as a server, accessible over the Internet, using the Internet domain name system.

It will be a violation of the Act for any person other than the user (1) to install, reinstall, or update a covered file-sharing program on a computer without notifying the user that the files on that computer will be made available to the public; or (2) to prevent reasonable efforts to disable or remove a covered file-sharing program on a computer.

Passed to Finance, Ways and Means as Amended:

HB 3421 by Litz (SB 3518 by Overbey) requires direct deposit of unemployment insurance benefits to a claimant's bank account if the claimant submits a written request in addition to a voided check. The bill also requires the Department of Labor and Workforce Development to reissue a check within five months of the original check if the claimant files a written report that the check was not received and the claimant was not negligent. As amended, the bill prohibits the inclusion of a claimant's social security number except for the last four digits on a check or other documents when benefits are paid by check. The

effective date was changed to one year after becoming law. A verbal amendment was adopted that changed the requirement to reissue a check within five months to within 90 days.

CONSUMER AFFAIRS SUBCOMMITTEE

The subcommittee met on Tuesday, March 16, 2010 and had two bills on calendar.

Passed to Full Committee:

HB 2817 by Sargent (SB2697 by Ketron) requires the same liability as state employees upon special instructors for boilers and unfired pressure vessels.

Rolled one Week:

HB 2774 by Hardaway (SB3378 by Marrero) requires child protective restraints in shopping carts.

Consumer Affairs Subcommittee will close next week, March 23, 2010, subject to the call of the chair.

EMPLOYEE AFFAIRS SUBCOMMITTEE

The Employee Affairs Subcommittee, which met on Wednesday, March 17, 2010, had twenty-nine (29) bills on calendar.

Moved to the Full Committee:

Chairman Matheny moved all bills relating to Public Chapter 1041 to be heard in the full committee on March 31, 2010. Those bills are:

HB 2420 by Weaver
HB 2428 by Weaver
HB 2844 by Matheny

HB 2845 by Matheny
HB 3525 by Maddox
HB 3628 by Weaver
HB 3162 by Curtiss
HB 3163 by Curtiss
HB 3557 by Rowland

Passed to the Full Committee:

HB 3889 by Harrison (SB 2409 by Faulk) defines “base period” with respect to unemployment compensation for claimants who have received temporary total workers’ compensation benefits. Excludes periods of temporary total disability under the workers compensation law from calculation of the base period and requires that the base period be determined from the last four completed quarters of work before any such disability.

HB 3948 by Matheny (SB 3162 by Johnson) requires a contracting agent who sells, leases, assigns, transfers or conveys its list of contracted medical providers and their contracted reimbursement rates to disclose to the medical provider whether the list can be sold or leased. Authorizes medical providers to decline to participate in workers’ compensation networks that are sold or leased. Requires contracting agents to maintain a web page which provides a complete listing of customers to whom a network is sold or leased.

HB 3157 by Curtiss (SB 3605 by Ketron) earmarks revenue from the workers’ compensation premium tax to fund the Workers’ Compensation Advisory Council.

Passed to the Full Committee as Amended:

HB 3582 by Coleman (SB 3731 by Haynes) as amended creates a procedure for handling disputes involving future medical care in workers’ compensation cases after judgment or settlement. Authorizes an employee or an employer to request the assistance of a workers’ compensation

specialist from the Department of Labor and Workforce Development. Authorizes a workers’ compensation specialist to order an employer to provide appropriate medical care. Adds language authorizing a workers’ compensation specialist to award attorney fees and reasonable costs including court reporter expenses and expert witness fees.

HB 3015 by Sargent (SB 2928 by Johnson), as amended, authorizes a physician to refer injured workers for pain management. Establishes the date of presumption of maximum medical improvement as the date when a treating physician makes such determination or at 104 weeks after the commencement of pain management, whichever is earlier.

HB 2928 by Sargent (SB 2943 by Norris) adds language to the Workers’ Compensation Act to exclude from the right to reconsideration employees who have a reduction in pay or hours due to economic conditions if the reduction in pay or hours affected at least one-half of other hourly employees at the same location.

HB 3299 by McCormick (SB 2977 by Berke) authorizes association captive insurance companies to insure obligations under federal legislation that provides compensation and benefits to workers for job related injuries if the company has obtained all necessary approvals by the appropriate federal agencies. Authorizes association captive insurance companies to hold any interest in qualified headquarters property.

Failed:

HB 3108 by Jones S (SB3105 by Marrero) was amended to state anyone qualifying for unemployment benefits should be paid an additional sum of \$50. The amendment passed. The bill failed for lack of a majority on a 3-3 vote.

Rolled One Week:

HB 2905 by Sargent (SB 2925 by Johnson). The sponsor presented an amendment that re-writes the bill. It authorizes the use of evidence as proof of discharge for misconduct, establishing complaints concerning an employee from customers who received services directly from that employee regardless of whether that evidence is hearsay or whether corroborated by direct witness testimony if the evidence meets certain requirements. The bill was rolled one week to allow members to review the amendment.

HB 2787 by Hill (SB 3759 by Bunch) deletes the requirement that employers pay by check “*presentable at some bank or other established place of business.*” The committee requested the bill be rolled one week.

HB 3095 by Fitzhugh (SB2633 by Johnson)

HB 3127 Shepard (SB3468 by Stewart)

Taken Off Notice:

HB 3696 by Johnson C

HB 2869 by Hackworth

HB 3143 by Stewart

HB 3043 by Sargent

HB 3358 by Fincher

HB 3325 by Harwell

HB 2427 by Evans

HB 3313 by Camper

Employee Affairs Subcommittee will close next week, March 23, 2010, subject to the call of the chair.



Chairman Brooks



THE FULL COMMITTEE

The **House Education Committee** met on Wednesday, March 17 to discuss legislation. Next week, the committee will hear from representatives of the state university systems regarding their budgets for 2010-2011. Likewise, the committee will hear the state K-12 budget presentation for the upcoming fiscal year in two weeks.

Passed to Calendar & Rules:

HB 3762 (West) – This bill codifies the requirement that all students be taught American civics as a course of their education.

HB 3100 (Mumpower) – Currently, LEAs are authorized to adjust their school schedules for half an hour to make up for inclement weather. This bill authorizes them to adjust their schedules to make up for the time in increments less than thirty minutes. Such additional classroom time shall be

proportionally added to the codified requirements for classroom time.

HB 3711 (Towns) – This bill requires school districts to allow students to take textbooks home.

HB 3411 (Brown) – This bill urges LEAs to consider working parents when scheduling parent teacher meetings.

HB 3494 (K. Brooks) – This bill renames the “Coordinated School Health Improvement Act of 2000” the “Connie Hall Givens Coordinated School Health Improvement Act.”

HB 3874 (U. Jones) – This bill authorizes prosecutors to require parents of chronically absent students to participate in parental education classes instead of being charged with a crime. Failure of the parent to respond to the prosecutor’s offer will result in automatic rescinding of the offer.

Passed to Finance, Ways & Means:

HB 379 (Sargent) – This bill, as amended, requires TSAC to develop a form, other than the FAFSA, for applicants to apply for college scholarships that are not means tested based on recipients’ income.

HB 3250 (Ramsey) – This bill, as amended, requires that schools place their first automated external defibrillators in the gymnasium or physical education area. Further placed AEDs shall be placed in areas accessible during an emergency.

HB 883 (Maddox) – This bill allows school districts to adopt a four day per week school calendar as long as all other requirements for school attendance are met.

Rolled 1 week:

HB 376 by Coley

HB 549 by Hardaway

HJR 781 by Hardaway

HB 3028 by H. Brooks

Rolled to the last calendar:

HB 2957 by Maggart

HB 3590 by Lollar

Referred to the State Board of

Education for further study:

HB 2955 by Coley – with the request that the board report back by February 1, 2011.

Taken off notice:

HB 1860 by Brown

K-12 SUBCOMMITTEE

The **K-12 Subcommittee** also met on Wednesday to hear and discuss the bills on its calendar. Results are as follows.

Passed to the full committee:

HB 3200 (Winningham) – This bill allows random drug testing of students participating in extracurricular school activities if LEAs so choose. If a student tests positive for the presence of drugs, LEAs shall ensure that the student receives appropriate counseling services and a referral for an intervention as appropriate.

HB 2975 (Fitzhugh) – This bill opens the state long-term care insurance program to local government employees including local education employees. There is a Council on Pensions & Insurance amendment traveling with the bill.

HB 59 (Hardaway) – This bill, as amended by subcommittee, would allow the CoverTN program to access student directory information to determine if those enrolled in public schools are insured or not.

HB 564 (H. Brooks) – Rewritten in subcommittee, this bill requires the Peace Officers Standards and Training Commission, in consultation with the Tennessee Law Enforcement Training Academy to report to the Select Committee on Education Oversight the current law enforcement procedures when responding to a violent incident that occurred on school property.

HB 3544 (Maddox) – This bill allows LEAs to donate used computers to low-income families in their districts. LEAs shall set standards as to who may be eligible to receive a computer.

Rolled 1 week:

HB 3546 by Maddox

HB 3450 by McDonald

HB 2996 by J. DeBerry

HB 3710 by Towns

HB 3868 by U. Jones

HB 3869 by U. Jones

HB 3871 by U. Jones

HB 3872 by U. Jones

HB 3873 by U. Jones

HB 3875 by U. Jones

HB 299 by Hardaway

HB 15 by Ferguson

HB 2061 by Rowland

HB 3474 by Kernell

HB 2493 by Hardaway

HB 3484 by Ferguson

HB 2087 by Towns

HB 209 by Coley

HB 377 by Coley

HB 2072 by J. DeBerry

HB 2379 by Hawk

HB 2441 by Hardaway

HB 285 by Coley

HB 1371 by Kernell

HB 3693 by H. Brooks

Rolled to the last calendar:

HB 3336 by Carr

HB 552 by Hardaway

HB 812 by Campfield

HB 821 by Campfield

HB 797 by Campfield

Rolled until further notice:

HB 3545 by Maddox

Taken off notice:

HB 3109 by S. Jones

HB 60 by Hardaway

HB 122 by Hardaway

HB 3011 by Harwell

HB 3723 by Harwell

HB 2207 by Hardaway

Chairman Les Winningham discussed that, in the closing of the committee, next week, the 24th of March will feature a consent calendar to facilitate the productive use of the committee's allotted time. The next week, the 31st of March will be both the final calendar and the final meeting.

HIGHER EDUCATION SUBCOMMITTEE

The **Higher Education**

Subcommittee met on March 17th and discussed legislation on its calendar and addendum.

Passed to the full committee:

HB 2130 (Mumpower) – This bill grants a \$500 stipend to entering college freshmen who complete the requirements of the TN Scholars Program of the Tennessee Chamber of Commerce and Industry. The bill was amended to change the effective date from 2009 to 2010.

Rolled 1 week:

HB 2897 by Armstrong

HB 3074 by Hill

HB 3242 by McCord

HB 3241 by McCord

HB 2947 by Coley and McManus

HB 3014 by Sargent

HB 934 by Kernell

HB 2647 by Cooper

HB 1862 by Brown

HB 1869 by Brown

HB 1870 by Brown

HB 3410 by Brown

Rolled to the last calendar:

HB 3959 by Bell

HB 3541 by Maddox

Taken off notice:

HB 2342 by Hardaway

HB 44 by Hardaway

HB 6 by Hardaway

Chairman David Hawk reiterated that next week would be the last calendar, if not necessarily the last meeting, but that bill sponsors should have any issue before the subcommittee on notice for next week.

FINANCE, WAYS & MEANS

Traveda Jordan for Julie Travis

THE FULL COMMITTEE

The House Finance, Ways & Means Committee met on Tuesday, March 16, 2010 to consider eighteen bills on the full committee's calendar. The following is a list of the final actions taken on the legislation this week:

Deferred 1 week:

HB 969 (McCord)
HB 2511 (Curtiss)
HB 2512 (Curtiss)
HB 3789 (Curtiss)

Recommended for passage and thus referred to Calendar and Rules:

HB 2504 (Moore)- As amended this bill requires the Department of Health to implement a pilot program authorizing county clerks to issue certified copies of birth certificates. The pilot program will exist for four years (through FY 2013-2014) and will be limited to one county clerk site in Davidson, Hamilton, Knox, Shelby, Unicoi, McMinn, Tipton, Hamblen, and Anderson Counties. Requires Department to provide state security paper for issuing such certificates; county clerk responsible for all other expenses. It authorizes county



clerk to charge additional fee for issuing such certificates.

HB 2510 (McCormick)- This bill upon approval by a two-thirds vote of the county legislative body, authorizes the register of deeds in Hamilton County to collect a \$2 submission fee for recording electronically-filed documents.

HB 3190 (Barker)- This bill authorizes municipalities and counties to sell property purchased at a delinquent tax sale when both municipal and county taxes are delinquent. Revenue from the tax sale is apportioned to the municipality and county pro rata based on the amount of the delinquent taxes. The bill authorizes municipalities to sell the property for less than the amount of

taxes, penalty, cost, and interest owed if it is impractical to sell the property for the full amount. Under current law, counties already have this authorization; this adds municipalities. An amendment was added to correct an incorrect code reference.

HB 2931 (T. Cobb)- This highway/bridge sign designates Bridge No. 60-245-210, which is located on State Route 245 (Campbellsville Pike) at its intersection with Scott's Mill Road in Maury County as the "Southport Community Bridge" and directs the Department of Transportation (TDOT) to manufacture and erect suitable signs. An amendment requires Maury County to pay for the signs within one year of the effective date of the bill if such signs are to be installed.

HB 3049 (Favors)- This bill, rewritten by the committee, increases the amount a health care provider may charge for copying and mailing a patient's records from \$20 for 40 pages or less in length and \$0.25 per page beyond 40 pages to \$20 for 5 pages or less in length and \$0.50 per page beyond 5 pages. It establishes a fee not to exceed \$20 for each record requiring notarization.

HB 3326 (Harwell)- This bill authorizes the State Treasurer to set the minimum dollar value for unclaimed property paid or delivered to the Unclaimed Property Division that requires mailing of a notice to each person having an address reported who appears to be entitled to the property.

HB 3327 (Harwell)- This bill requires local governments participating in the Local Government Investment Pool (LGIP) to electronically transfer to the pool any funds for investment and to electronically file any report or other document associated with electronic payment. It authorizes the state Treasurer to consider extenuating circumstances submitted in writing and to waive electronic submission requirements for any local government.

HB 3341 (Pruitt)- This bill defines a method of determining the interest rate on Build America Bonds (BAB) issued by the Nashville Convention Center Authority to maintain rates below the formula rate. The special convention center authorization is limited to issuing bonds as such until June 30th, 2012.

HB 3652 (Stewart)- This bill authorizes the Davidson County legislative body to increase the \$1 litigation tax used to support the victim-offender mediation center by \$1 each year until the tax reaches \$5.

HB2705 (Rich)- This highway/bridge sign designates the bridge spanning Bennett's Creek on U.S. Highway 64 at the eastern corporate limits of the City of Somerville in Fayette County as the "Chief Kenny Feathers Bridge" and directs the Department of Transportation (TDOT) to manufacture and erect suitable signs. An amendment requires Fayette County to pay for the signs within one year of the effective date of the bill if such signs are to be installed. (Chief Kenny Feathers has served the City of Somerville as the Chief of Police.)

HB 2706 (Rich)- This highway/bridge sign designates the segment of State Route 76 (South Main Street) from such route's intersection with U.S. Highway 64 in the city of Somerville to its intersection with State Route 195 at the three-way intersection in Fayette County as the "Captain Arthur Williamson Parkway" and directs the Department of Transportation (TDOT) to manufacture and erect suitable signs. The amendment requires Fayette County to pay for the signs within one year of the effective date of the bill if such signs are to be installed. (Captain Arthur Williamson has served the City of Somerville as the Captain of the Somerville Police Department.)

HB2766 (Tindell)- This bill Eliminates the June 30, 2011, termination date for negotiated fuel price stabilization contracts of municipal governments.

This bill limits the term of any such contract to 24 months.

HB 2950 (H. Brooks)- As rewritten in the committee, this bill exempts from the recordation tax any transfer of realty between adjacent properties where the actual consideration for the transfer is less than \$1,000. It also changes the written oath required for real property transfers executed by a quitclaim deed, from one requiring a statement of the actual consideration or the value of the property transferred, to an oath requiring a statement of the actual consideration exclusively. The bill was also changed to give the county Register of Deeds the authority to request documentation in determining such consideration or value of the property.

HB 3222 (Hawk)- This bill, as rewritten in House Judiciary, changes the deadline by which a court must set a hearing for a defendant involuntarily committed for a capital offense to a developmental facility from 10 days to 10 business days, excluding holidays. It also changes from 21 days to 21 business days, excluding holidays, of receipt of the facility's notice the deadline by which the court must hold a hearing on whether the individual continues to meet the commitment criteria under which the person is committed. Finally, it changes from 15 days to 15 business days, excluding holidays, of the court's receipt of the facility's notice the deadline for the facility to release the individual from involuntary commitment if the court has not set a hearing.

Referred from Budget Sub to FW&M. Recommended for passage on Wednesday and referred to Calendar & Rules:

HB 3020 (S. Jones)- This bill Requires the Department of Children's Services to give each juvenile court judge a semi-annual report that includes the number of commitments to state custody for the previous 12 months, and the statewide average commitment rate

per thousand youth based on the latest county population data. Authorizes the Department to initiate a collaborative planning process when a county's commitment rate may exceed 200 percent of the state average. Requires DCS to report to the Select Committee on Children and Youth, the previous year's county commitment data and a description of any collaborative efforts undertaken on or before February 1, each year. Repeals provisions in current law requiring the state to pay for a county's commitment rates up to 300 percent of the statewide average, for the county to pay for commitments that exceed 300 percent of the statewide average, and this section's sunset on June 30, 2011.

BUDGET SUBCOMMITTEE

The Budget Subcommittee of the House Finance, Ways, and Means Committee met on Wednesday, March 17, 2010 with forty-nine bills on its calendar. Subcommittee action on these bills is as follows:

Deferred for One Week:

HJR 820 (Faulkner)
HB 3605 (Fitzhugh)
HB 207 (Watson)
HB 3657 (Stewart)
HB 2901 (Shepard)
HB 3876 (Pruitt)
HB 2652 (Maggart)
HB 2788 (Maggart)
HB 920 (Hawk)
HB 3407 (Harmon)
HB 2646 (B. Cooper)
HB 3413 (Brown)
HB 111 (Bell)

Deferred for Two Weeks:

HB 3388 (Bone)
HB 3169 (Curtiss)
HB 3351 (Curtiss)
HB 2349 (Dennis)
HB 3355 (Hackworth)
HB 3094 (Fitzhugh)
HB2768 (Shipley)
HB 3501 (C. Johnson)
HB 2684 (Hill)
HB 3893 (Hill)

HB 3922 (Camper)

Deferred for Three Weeks:

HB 1428 (Niceley)

Last Calendar:

HB 2765 (Tindell)
HB 3551 (Maddox)

Behind the Budget:

HB 2851 (Bone)
HB 3063 (Campfield)
HB 3221 (Hawk)
HB 3251 (Armstrong)

Off Notice:

HB 3360 (Campfield)
HB 19 (Hardaway)
HB 35 (Hardaway)
HB 39 (Hardaway)

Referred to Full Committee:

HB 2981 (Fitzhugh)- This bill requires that boating regulation laws shall govern unclaimed or abandoned boats and vessels when in conflict with the Uniform Disposition of Unclaimed Property Act.

HB 3631(Todd)- This bill exempts county registers from charging the \$5per document archives and record management fee. It also limits the \$5document fee charged by county and municipal courts to documents filed in relation to the initiation of a legal proceeding. The fee is still applicable to other county offices, such as the trustee, mayor, and clerk.

HB 3939 (Tindell)- This bill eliminates the Office of Legislative Services. Deletes all references to "management information systems" and replaces with "legislative information services." Deletes all references to "Office of Management Information Systems" and replaces them with "Office of Legislative Information Services."

HB 2863 (Swafford)- This bill requires the Fiscal Review Committee staff, at the end of each year's session, to select a sample of at least five public chapters enacted within the preceding five years

and compare the actual fiscal impact to the fiscal impact stated in the cumulative fiscal note. Upon completion of the review, staff will present the results to the Fiscal Review Committee.

HB 1871 (Ramsey)- As amended this bill establishes that metropolitan health departments with dental staffs and clinical facilities are not relieved from occasionally providing emergency services to adult patients who present for relief of pain and infection because the language, "to the extent possible within budget limitations" is in TCA 68-1-304(b). The bill requires the metropolitan health departments to see adult emergency patients during cancelled or open appointments. This bill authorizes the metropolitan health departments to charge a fee for such services. It also authorizes the Commissioner of Health to monitor compliance and request corrective actions. (Effective upon becoming law.)

HB 3069 (Miller)- This legislation authorizes Shelby County to convey property acquired through a delinquent tax sale to a nonprofit community development corporation (NCDC) in lieu of a sale to private purchasers. Exempts NCDCs from back-taxes and penalties for such property. Under a State & Local Government amendment, the authorization for the conveyance of land must be made by the governing body of the municipality or county.

HB 3844 (Miller)- This bill requires the revocation of an armed or unarmed security guard or officer's license within 30 days of conviction for certain offenses. This bill authorizes the licensee to request a hearing within the 30 days of conviction. This bill also authorizes the Commissioner to impose any approved sanction or discipline as a result of the hearing.

HB 3480 (Matlock)- This bill authorizes the Board of Funeral Directors and Embalmers to grant licensure, upon receipt of a fee, to an applicant that has been licensed and

employed as a funeral director in another state for five years.

HB 3533 (Maddox)- As rewritten by a State & Local Government amendment, this bill changes the statewide prepaid wireless emergency telephone service charge to fifty-three cents (53¢) per each retail transaction. It also requires sellers of prepaid wireless telecommunications services to remit collected service charge revenue to the Department of Revenue. The revenue from the service charge will be allocated to the Tennessee Emergency Communication Board for the Statewide Enhanced 911 Service, except for a 3% commission to the sellers of the prepaid wireless service and a 2% commission that will be retained by the Department of Revenue for administrative costs.

HB 3753 by (S. Jones)- This bill urges public transportation buses to promote the existence of the Prevent Child Abuse Tennessee hotline. This bill requires the Department of Education to require local education agencies to distribute information on the hotline. It also requires the Department of Human Services to require child care

facilities to distribute information on the hotline.

HB 3263 (P. Johnson) - As amended, this bill requires a sexual offender to obtain written permission or a request from the school's principal or facility administrator before coming on the school grounds to attend a conference, etc. at the school as a parent, or to be on the premises to drop off or pick up a child or children for which the offender is a parent or legal guardian. Creates a Class E felony punishable by fine only for all violations of these provisions.

HB 3135 (Dunn)- As amended in Judiciary, this bill requires TennCare to maintain a webpage that identifies the individual managed care organizations that are authorized to pursue the state's subrogation interest. The plaintiff's attorney is responsible for notifying the individual managed care organization before a judgment is entered or a settlement reached in a personal injury case. The entity must respond within 60 days and not more than 120 days if more time is requested. If the entity fails to provide a specific number within the time allotted, then the subrogation is extinguished.

HB 3784 (Coleman)-

Authorizes the internal affairs director or internal affairs special agent of the Department of Correction (DOC) to seize and remove property. Requires that all fines and forfeiture of appearance bonds reside in a special revenue fund. Authorizes the Commissioner to approve a special budget for the fund where expenditures are subject to the availability of funds. Authorizes DOC to conduct seizures without process if incident to an arrest or search under a search warrant or an inspection under an administrative warrant. Property seized is not subject to legal challenge and is the custody of the DOC. Authorizes DOC to sell seized property and utilize the proceeds for a drug enforcement program. Authorizes DOC to seize contraband.



Government Operations Committee met on March 17, 2010 to consider 38 bills.

The following bills were rolled:

HB 2966, HB 3334, HB 3363, HB 2864, HB 2932, HB 3431, HB 3767, HB 3623, HB 3191, HB 995, HB 2446, HB 2456, HB 2459, HB 2471, HB 2600, HB 2621, HB 2855, HB 2452, HB 2545, HB 2840

The following bills were taken off notice at the request of their sponsors:

HB 3592, HB 2746, HB 2436, HB 3099, HB 3183

The following bills were recommended for passage and referred to Commerce:

HB 3465 by McCord – As amended, this bill amends Title 62, Chapter 2, changing general provisions relative to Architects, Engineers, landscape architects and interior designers. As amended, this bill exempts any person, “who for the sole purpose of

manufacturing and distributing federal aviation administration approved avionic equipment,” from the provisions in this chapter. Furthermore, this bill gives the State Board of Examiners for Architects and Engineers the authority to grant waivers from requirements under this chapter.

HB 3549 by Maddox – This bill creates a \$2.5 million cap on the pre-need funeral account. As well, the bill establishes an indigent fund for all monies received by the Commissioner of Commerce and Insurance in excess

of the \$2.5 million. The bill also requires the indigent fund to reimburse funeral homes that file a request for reimbursement of the costs of providing funeral services to those who are indigent.

HB 2417 by Ramsey – This bill authorizes foreign individual health insurers to offer individual and small employer health benefits plans to Tennessee residents as long as the plans are the same as those offered in the insurer’s domiciliary state and the insurer obtains a certificate of authority from the Department of Commerce and Insurance. The Department must establish grievance and independent claims review procedures for claims by health care providers or covered persons.

HB 3923 by Hardaway – This bill defines “locksmith apprentice” and “registered employee.” As well, it prohibits any person, partnership, association, corporation, state, or local government from engaging in locksmith services without licensing themselves and their employee, agent, or contractor as a locksmith or locksmith apprentice. Furthermore, this bill prohibits any person from designating themselves as a locksmith or providing locksmith services without being licensed. Authorizes the Commissioner of Commerce and Insurance to deny, suspend, or revoke any original or renewal license. Authorizes the Commissioner to consider the rehabilitation of individuals with criminal records prior to issuance or disqualification of a application for licensure. And, it authorizes the renewal of licenses by a locksmith or locksmith apprentice upon receipt of the renewal fee and penalty, to be established by the Commissioner, up to 90 days after expiration.

The following bills were recommended for passage and referred to State & Local:



Representative Lundberg

HB 2665 by Lundberg – This bill Requires the Commissioner of Veterans Affairs to establish and manage a veteran’s honor medal program to recognize and honor all Tennessee veterans and to design or commission a design of a medal for this program; a gold star shall be affixed and awarded to the next of kin of those killed in action; a silver star shall be affixed and awarded to those wounded in action. And, the bill authorizes the Commissioner to form an advisory committee to assist in the design of the honor medal and accompanying certificates, as well as requires the Commissioner to promulgate rules and regulations to determine eligibility for award of the honor medal based upon military records.

HB 2682 by Hill – This bill Defines “Courthouse Square Revitalization and Tourism Development Zone” (CRZ) or “Revitalization and Development Zone” as an area within 700 feet of the Jonesborough courthouse square. Authorizes the sales and use tax revenue generated within the CRZ to be returned to the municipality to maintain and improve the viability of the CRZ. Requires the City of

Jonesborough to file an application with the Department of Finance and Administration (F&A) including the name and description of the proposed CRZ, a listing of all properties within the zone, and other information as is needed by F&A. Directs the Department of Revenue to make tax payments to the City of Jonesborough within 90 days of the end of each fiscal year.

HB 3591 by L. Miller – Effective January 1, 2011, this bill codifies the Governor’s Office of Diversity Business Enterprise (GoDBE) as established by Executive Order 14. Establishes the “Tennessee Small Business and Diversity Business Enterprise Procurement and Contracting Opportunity Act” which requires the Commissioner of the Department of General Services (DGS) to develop a plan to maximize participation by Tennessee small businesses in state agency contracting and procurement. Establishes a minimum goal for each department of 20 percent of all contracts awarded for services and goods to be with Tennessee small businesses. Requires that each department report the number of purchases orders or contracts



Representative Miller

awarded to Tennessee small businesses to GoDBE on a monthly basis. Requires the Commissioner to report purchases made from Tennessee small, minority, or woman owned businesses during the preceding fiscal year to the Governor and the General Assembly by December 31 of each year. Requires the Commissioner to promulgate regulations authorizing a preference to be given to Tennessee small business during the evaluation of proposals for state contracts. Establishes a sliding scale of percentage of preference given based on the total dollar amount of the contract being awarded. Establishes a two percent preference on all construction contracts with a value of over \$2,000,000. Requires DGS to provide training programs and educational activities which assist Tennessee small businesses in competing for contracts with the state.

HB 3935 by Kernell – This bill Requires that the entire membership of the West Tennessee Seismic Safety Commission be vacated on July 31, 2010, and replaced by new appointments. Requires the term of office for all 12 members to be four years and makes various changes to the term of appointment for the members.



Representative Kernell

Existing Commission members are eligible for reappointment. Members of the Commission shall commence their term on August 1, 2010, or the date that they are appointed. The term of office for members appointed after August 1, 2010, shall commence from August 1, 2010. Authorizes members to be removed by the appointing authority.

HB 3806 by M. Turner – This bill authorizes the Board of Claims to establish incentive programs for state departments, agencies and institutions, including public institutions of higher education, for the purpose of reducing liabilities to the Risk Management Fund (RMF).

The following bill was recommended for passage and referred to Transportation:

HB 3146 by Winningham – This bill Authorizes issuance of honorably discharged license plates to include civilian veterans of the United States Army Corps of Engineers.

The following bills were recommended for passage and referred to Health and Human Resources:

HB 3834 by Sontany – This bill extends from three to five days the amount of time an owner has to legally claim his or her dog or cat that is found without a vaccination or identification tag prior to animal being adopted or destroyed.

HB 2562 by Richardson – (This bill was referred to H&HR with a **NEUTRAL** recommendation) This bill Creates a licensure and enrollment program for the production, distribution, and dispensing of cannabis for a qualifying medical condition. Authorizes a person with a qualifying medical condition to enroll in the safe access program where the patient can receive a prescription from a licensed practitioner for cannabis and receive the product from a licensed pharmacist

at a participating pharmacy. Qualifying patients in the program will receive a safe access identification card through the Department of Health. Producers and distributors of the cannabis to be used in the program are to be licensed by the Department of Agriculture. All information obtained during the enrollment and verification process is confidential. Creates a Class B misdemeanor offense for any person to breach the confidentiality of information. Creates a Class C misdemeanor offense for fraudulent representation to a law enforcement officer of any fact or circumstance to avoid arrest or prosecution. Creates a 13-member Select Oversight Committee on Medical Marijuana appointed by the General Assembly that will meet at least three times per year and report its findings to the General Assembly by January 1 of every even numbered year.

The following RESOLUTION was recommended for passage and referred to Conservation & Environment:

SJR 0306 by Senator Watson – This resolution Establishes the North Hamilton – Rhea County Creek Management Task Force for the study of water management and land use planning as methods of eliminating flooding concerns. The Task Force will meet two times per year.

FULL COMMITTEE

The **Health & Human Resources Committee** met Tuesday morning, March 16, 2010, with 11 bills on calendar. **HB 3286 (Casada)** as amended that establishes a “certificate of birth resulting in stillbirth” to be defined as a certificate issued to record



Representative Casada

the birth of a stillborn child, redefines “stillbirth” to mean an unintended fetal death after 20 weeks gestation or weight of 350 grams or more, decreases the existing reporting standards for a fetal death from a fetal weight of 500 grams or 22 weeks gestation to a fetal weight of 350 grams or 20 weeks gestation, requires the Department of Health to issue a certificate of birth resulting in stillbirth within 60 days following a parent request, requires the Department of Health to inform applicable persons and entities licensed by the Department of the requirements of this legislation at time of licensure, and establishes

requirements for the request form and information that must be on the certificate of birth resulting in stillbirth was referred to FW&M. **HB 2949 (Pitts)** as amended that defines “clinic” as a not-for-profit, outpatient, non-hospital facility providing primary care, dental or eye care, child delivery or birthing, or any other outpatient health care service, includes a clinic in the definitions of a “project” that the corporation of a municipality has authority over, and authorizes such corporation to lease or sell a project to a clinic or to enter into loan agreements with a clinic with respect to a project was referred to FW&M. **HB 2651 (K. Brooks)** as amended that enacts the “Colby Stansberry Act” to require health care providers to have a policy in place that places restrictions on the use of medical records, images, videos, or pictures intended to be used for appropriate medical educational purposes was referred to FW&M. Chairman Armstrong rolled **HB 3552 (Maddox)** one week. **HB 3709 (Townes)** as amended that requires, after July 1, 2010, as vacancies arise on the Board of Barber Examiners, one of the four barber members shall be an instructor, owner, employee, or manager of a barber school or college was referred to FW&M. **HB 3826 (Cooper, M. Turner)** that revises existing law provisions relative to audits of child care agencies receiving subsidy funds was referred to C&R. **HB 3439 (Harrison)** that requires the Board for Licensing Health Care Facilities to require out-of-state home medical equipment providers to maintain an office or place of business within the state was referred to C&R. **HB 0568 (Shepard)** as amended that requires all written, printed or computer-generated prescriptions for Schedule II controlled substances, i.e., narcotics, by podiatrists, dentists, physicians,

optometrists, osteopathic physicians, nurse practitioners, or physician assistants be legibly printed or typed as a separate prescription order was referred to Government Operations for rule review. **HB 1656 (Armstrong)** as amended that requires the Board of Optometry to list on its website the organizations whose continuing education courses are deemed approved to meet the requirements of the Board was referred to C&R. **HB 3459 (Armstrong)** as amended that revises existing statute for the Health Equity Commission membership, reporting and duties, expands scope of the Commission’s responsibilities to ensure and promote health equity for minority and vulnerable populations, and requires the Commissioner of Health to report at least annually on the



Chairman Armstrong

performance of duties and responsibilities of the Tennessee Office of Minority Health was referred to C&R. **HB 3301 (Lynn)** as amended by Amendment 1 that enacts the

“Freedom from Coercion Act” to require a facility in which abortions are performed to post a sign stating that it is against the law for anyone to coerce a pregnant female into having an abortion was discussed and then rolled one week with Amendment 2 pending.

Amendment 2, offered in committee by Rep. Lynn, identifies where, in each type facility, the required sign will be posted.

PROFESSIONAL OCCUPATIONS SUBCOMMITTEE

The **Professional Occupations Subcommittee** met Tuesday, March 16th, at 8:30 AM and immediately following full committee for testimony and discussion on **HB 3580 (Hensley)** that requires an advanced practice nurse or physician’s assistant to be under the direct supervision of a licensed physician or osteopathic physician who is actively practicing spinal injections when performing invasive procedures involving any portion of the spine, spinal cord, sympathetic nerves, or block of major peripheral nerves. As subcommittee time expired, all bills on the *last calendar* were rolled one week: HB 3580, HB 1570, HB 1895, HB 2337,

HB 2679, HB 2808, HB 3144, HB 3177, HB 3368, HB 2655, and HB 3770.

HEALTH CARE FACILITIES SUBCOMMITTEE

The **Health Care Facilities Subcommittee** met Wednesday afternoon, March 17, 2010, with nine bills on calendar, referring four to full committee. **HB 1559 (West)** that directs the Department of Finance & Administration to work with deaf and hard of hearing organizations in Nashville for the orderly development of a retirement center, which shall be located on state property, for deaf and hard of hearing persons was referred to full committee. **HB 2807 (McDonald)** was rolled one week at the request of the sponsor. **HB 2987 (H. Brooks)** as amended that creates a 25 member task force to review the regulations of the residential and day provider agencies contracted by the Division of Intellectual Disabilities Services and make recommendations with regard to relieving expensive and unnecessary regulations on such providers was referred to full committee. **HB 3156 (Curtiss)** as amended that establishes “Katie Beth’s Law” which requires installation of a “pool alarm” for a “swimming pool” located at a “residential dwelling” was rolled one week for further discussion and response to members’ questions. **HB 3316 (Matheny)** was rolled one week for distribution and review of the amendment offered today by the sponsor. **HB 3532 (Maddox)** that requires selected reports to and by the Select Oversight Committee on Long-Term Care relative to recent long-term health care legislation was referred to full committee. **HB 3879 (Cooper)** that requires a parent or caretaker relative receiving TANF benefits to participate in a parent education training class for parents or caretakers of children in pre-kindergarten through third grade was referred to full committee. **HB 3947** and **HB 3951**

(Kernell) were rolled one week at the request of the sponsor.

Chairlady Pruitt announced the final meeting of the Health Care Facilities Subcommittee will be Wednesday next, March 24, 2010.

PUBLIC HEALTH & FAMILY ASSISTANCE SUBCOMMITTEE

The **Public Health & Family Assistance Subcommittee** met Wednesday afternoon, March 17th with 12 bills on the *last calendar* and addendum; five were referred to full committee. **HB 2644 (Cooper)** as amended that urges a parent or caretaker relative receiving TANF benefits to participate in either a parent education training class for parents or caretakers of children in pre-kindergarten through third grade or a program of volunteer service in a school was referred to full committee. **HB 3210 (Casada)** was taken off notice at the request of the sponsor. **HB 2145 (Kernell)** as amended that requires the Child Care Certificate Program Policies & Procedures Manual developed by the Department of Human Services to be promulgated as a rule in accordance with the Uniform Administrative Procedures Act relative to child care agencies and authorizes the appeal of any adverse action taken against a child care agency to the Child Care Agency Licensing Board of Review was referred to full committee. **HB 3393 (Hensley)** that requires physical therapy, occupational therapy, and speech and language pathology services to be available as essential services to eligible TennCare enrollees was referred to full committee. **HB 0830 (S. Jones)** as amended that requires the Department of Children’s Services to report on the fatality or near fatality of certain children within 10 days of the fatality or near fatality to the members of the Senate and House of Representatives representing the child and the Select Committee on Children



Representative Hensley

and Youth was referred to full committee. **HB 3374 (Ramsey)** was taken off notice at the request of the sponsor. **HB 3419 (Litz)** was taken off notice at the request of the sponsor. **HB 3526 (Maddox)** as amended that creates a Department of Intellectual and Developmental Disabilities (DIDD), transferring current functions of the Division of Intellectual Disabilities Services in the Department of Finance

& Administration and Developmental Disabilities services in the Department of Mental Health & Developmental Disabilities, was referred to full committee. As subcommittee time expired, the following bills on calendar were rolled one week: **HB 3704 (Towns)**, **HB 1767 (Sargent)**, **HB 3584 (Coleman)**, **HB 2873 (Maggart)**.

Chairman Hensley announced the final meeting of the Public Health Subcommittee to take up the remaining bills on the last calendar will be Wednesday next, March 24, 2010.



Chairman Coleman

FULL COMMITTEE

The **Judiciary Committee** passed out twenty-one bills on Tuesday during its full committee meeting.

HB 2813 (Odom) diverts certain non-violent property offenders from incarceration to a sentence of community correction, probation or a diversion program, unless, after a hearing, the court finds that the defendant has multiple convictions for any of such offenses and is not a

suitable candidate for community corrections, probation, pre-trial diversion or judicial diversion. An amendment was adopted that requires an offender convicted of aggravated robbery to serve 89 percent of the sentence with no reduction by credits of more than 15 percent. *[passed to Finance, Ways & Means]*

HB 2789 (Maggart) creates a violent juvenile sexual offender registry. As amended, the registry would include violent juvenile offenders 14 years of age or older that have been found to be at high risk of re-offending by a mental health professional. Also, the residency restrictions normally applied to a sex offender would not apply to the juvenile sex offender until they are 18. The individual would be on the registry for 25 years. Another amendment adopted by the committee develops an administrative review process to see if the juvenile offender should remain on the registry. One year after the offender turns 19 and every five years after that, the TBI will determine whether the offender should be removed from the registry. *[passed to Finance, Ways & Means]*

HB 2506 (Matlock) as amended, creates a Class A misdemeanor if a person knowingly intercepts police radio transmission with the intent of using that

information to commit, facilitate, or aid in the flight from a criminal offense. *[passed to Finance, Ways & Means]*

HB 2752 (Swafford) provides for the disposition of property subject to forfeiture by judicial procedure rather than administrative law judge procedure. The committee adopted an amendment that dictates how the proceeds are distributed. After the district attorney is reimbursed, 15% goes to the law enforcement agency and the remainder goes to the Department of Finance & Administration to set up a child abuse fund. From the fund, 45% will go to the Child Advocacy Centers and the remainder will be split equally between the Court Appointed Special Advocates and Prevent Child Abuse Tennessee. *[passed to Calendar & Rules]*

HB 3125 (Todd) as amended, allows a person with a handgun carry permit to carry a handgun in an establishment open to the public where liquor, wine, beer, or other alcoholic beverages are served for consumption on the premises. It also clarifies and makes uniform the language constituting valid postings in establishments where firearms are prohibited; it increases the penalty for a permit holder consuming alcohol within such establishments; and, it increases the penalty for unlawfully

carrying a firearm in places where alcohol is served.

[passed to Finance, Ways & Means]

HB 1130 (Hardaway) as amended, allows a court to hold an individual in contempt whenever the court finds that the person knowingly made a false allegation of sexual abuse in furtherance of litigation. The court shall order the accuser to pay all litigation expenses, including, but not limited to, the reasonable attorney's fees, discretionary costs and other costs incurred by the wrongly accused party in defending against the false allegation.

[passed to Calendar & Rules]

HB 2560 (Montgomery) as amended, creates Class C felony of health care professional stealing, withholding, or depriving a patient of controlled substances prescribed for the patient's comfort or pain. An amendment was adopted that clarifies that the offense occurs when the health care professional deviates from the course of professional practice.

[passed to Finance, Ways & Means]

HB 2941 (Hackworth) as amended, revises the missing senior citizen alert program by applying it to all missing citizens who have an impaired mental condition as determined by a caregiver's statement and who are believed to be in danger because of age, health, mental or physical disability, in combination with environmental or weather conditions, or who are believed to be unable to return safely without assistance.

[passed to Calendar & Rules]

HB 3138 (Hackworth) mandates, rather than allows, the release of a surety's liability if a detainer request is refused or if the detaining authority releases the principal upon the detainer's filing.

[passed to Calendar & Rules]

HB 1808 (West) extends from 60 to 90 days the amount of time that a permit holder has to notify the

Department of Safety that the holder's address has changed.

[passed to Calendar & Rules]

HB 2693 (Shepard) adds murder committed against a pregnant woman as an aggravating factor for purposes of imposing death sentence in first degree murder cases.

[passed to Finance, Ways & Means]

HB 2762 (Turner M) creates a Class C misdemeanor for selling synthetic urine.

[passed to Calendar & Rules]

HB 3644 (Sargent) as amended, authorizes anyone to apply to the secretary of state to furnish a certificate of existence for a domestic LLC, LLP, or LP or a certificate of authorization for a foreign LLC, LLP, or LP.

[passed to Calendar & Rules]

HB 3645 (Sargent) as amended, creates an additional exception to the general rule that the name of a corporation must be distinguishable upon the records of the secretary of state from the name of another business organization authorized to do business in this state.

[passed to Calendar & Rules]

HB 3643 (Sargent) adds new requirements which would require the Secretary of State to receive a confirmation of good standing from a foreign entity that the Secretary of State determines has been transacting unauthorized business in this state for a year or more; requires that entities submit a confirmation of good standing prior to reinstatement after an administrative dissolution or revocation; and requires entities not previously required to submit a tax clearance for termination or withdrawal prior to termination or withdrawal to submit such clearance.

[passed to Calendar & Rules]

HB 3376 (Cobb T) creates a new Class A misdemeanor offense for a

person knowingly to harbor a runaway, with the knowledge that a child is a runaway, and the person fails to notify the parents or law enforcement of the child's location, conceals the child's location, or aides the child in escape.

[passed to Calendar & Rules]

HB 3377 (Cobb T) creates Class D felony offense of statutory kidnapping, which is removing a person between 13-18 years of age from this state, where the defendant is at least four years older than the person, knows the person being removed is a minor, and knows that he or she does not have the consent of the victim's parents or legal guardians to remove the victim from the state.

[passed to Finance, Ways & Means]

HB 3300 (McCormick) as amended, protects Tennesseans right to freedom of speech and the press involving foreign defamation cases.

[passed to Calendar & Rules]

HB 3053 (Bass) provides that no arrest warrant or criminal summons may be issued against a law enforcement officer without approval by the district attorney.

[passed to Calendar & Rules]

HB 2670 (Fincher) as amended, requires the register of deeds to keep separately and in a secure location the official discharge records of members of the armed forces (DD 214). The records will not be available for the general public and can only be accessed by certain persons.

[passed to Calendar & Rules]

HB 3586 (Coleman) authorizes a judge of a court of general sessions or juvenile court to appoint a special judge if he is going to be absent from court. A list will be maintained of lawyers previously approved who are constitutionally qualified, in good standing, and possess sufficient experience and expertise. Parties appearing before a special judge may choose to proceed or continue their

case. The circumstances requiring the appointment of a special judge are to be entered in the permanent records of the court.

[passed to Calendar & Rules]

The following bills were rolled for one week:

HB 2718 (Campfield)
HB 3278 (Maggart)
HB 3370 (Maggart)
HB 1363 (Todd)
HB 3196 (Faulkner)
HB 1801 (West)
HB 1809 (West)
HB 2632 (DeBerry J)
HB 2631 (DeBerry J)
HB 3181 (Turner M)
HB 2821 (Cobb T)
HB 3129 (Cobb T)
HB 3283 (Coleman)
HB 3282 (Coleman)
HB 2689 (Coleman)
HB 3281 (Coleman)
HB 2691 (Coleman)
HB 2567 (Fincher)
HB 932 (Kernell)
HB 2805 (McDonald)

HB 3040 (Dennis) was rolled for two weeks.

HR 83 (Hardaway) was taken off notice.

HB 2059 (Lynn) failed on a roll call vote of 5-5-1.

CRIMINAL PRACTICE AND PROCEDURE

The **Criminal Practice and Procedure Subcommittee** met on Wednesday, and passed out six bills to the full committee.

HB 3277 (Maggart) removes the requirement that a person being photographed must be identifiable for the purposes of unlawful photographing to apply. The subcommittee heard testimony from Kim Helper, a Williamson County District Attorney. According to General Helper, there is a growing problem with individuals secretly photographing women at the mall by what is referred to as

“upskirting.” She says that the current statute makes it extraordinarily difficult to identify victims in these cases.

[moved to full committee]

HB 3369 (Maggart) requires the Board of Medical Examiners to revoke the license of any person licensed to practice medicine and to deny the application for such a license of anyone who is a registered sexual or violent sexual offender. The bill also creates communication between TBI and the Board to check current licensees and new applicants.

[moved to full committee]

HB 2626 (Lollar) would allow a judge to review an offender’s juvenile record for sentencing purposes if the offender committed a Class A or B felony as a juvenile and is now convicted of another crime as an adult. This offense would count as a prior conviction when determining the appropriate sentencing range.

[moved to full committee]

HB 3432 (Coleman) prohibits a petitioner from raising any issue in a post-conviction petition that could have been raised at trial, on appeal, or could have been made as a complaint to the court at or prior to the proceeding if the petitioner entered a guilty plea or a plea agreement with the State.

[moved to full committee]

HB 3691 (Coleman) as amended, says that an individual who is has severe mental illness or incompetency does not have to personally execute a bail bond and the sheriff or clerk may allow a responsible substitute to take out the bond. The amendment also allows an arresting officer to request an evaluation for involuntary commitment if the officer believes the individual is a danger to himself or others.

[moved to full committee]

HB 2951 (Brooks H) extends the Class B misdemeanor for avoidance of service of process to a person in control of a (private) property who refuses to

make a reasonable effort to make the person for whom the process is intended available for service.

[moved to full committee]

The following bills were rolled for one week:

HB 2891 (Turner M)
HB 672 (Maggart)
HB 673 (Maggart)
HB 2659 (Faulkner)
HB 2881 (Rich)
HB 2907 (Todd)
HB 2909 (Tidwell)
HB 3284 (Coleman)
HB 1129 (Hardaway)
HB 29 (Hardaway)
HB 2694 (Dennis)
HB 2962 (Faulkner)
HB 3561 (Rowland)
HB 3559 (Rowland)
HB 3558 (Rowland)
HB 3566 (Rowland)
HB 3096 (Shaw)
HB 3122 (Fincher)
HB 3493 (Fincher)
HB 3213 (Stewart)
HB 2640 (Cooper)
HB 3516 (DeBerry J)
HB 3518 (DeBerry J)
HB 2997 (DeBerry J)
HB 3857 (Tidwell)
HB 2716 (Campfield)
HB 2719 (Campfield)
HB 3912 (Miller L)
HB 1835 (Kernell)
HB 3077 (Haynes)
HB 719 (Niceley)
HB 3412 (Brown)
HB 2968 (Jones U)
HB 1645 (Jones U)
HB 1639 (Jones U)
HB 3543 (Maddox)
HB 3538 (Maddox)
HB 3537 (Maddox)
HB 3240 (McCord)
HB 3577 (Jones S)
HB 1304 (Jones S)
HB 3442 (Hill)
HB 2781 (Hill)
HB 2783 (Hill)
HB 2780 (Hill)
HB 3894 (Hill)
HB 2782 (Hill)
HB 2779 (Hill)

HB 2872 (Hill)
HB 3141 (McDonald)
HB 3064 (Campfield)
HB 2726 (Campfield)

The following bills were taken off notice:

HB 1827 (Matlock)
HB 2422 (Hardaway)
HB 3741 (Matheny)
HB 3333 (Brooks H)
HB 3578 (Jones S)
HB 2867 (Haynes)

HB 1374 (Hardaway) was referred to summer study.

The Criminal Practice & Procedure Subcommittee will continue hearing its last calendar next week and then close subject to the call of the chair.

CIVIL PRACTICE AND PROCEDURE

The **Civil Practice and Procedure Subcommittee** met on Wednesday, and passed out fourteen bills to the full committee.

HB 3428 (Hackworth) as amended, allows for a minimum administrative fee of fifty dollars and a maximum fee of two dollars to be assessed if a defendant in a termination of parental rights case is provided with court-appointed counsel.
[moved to full committee]

HB 3022 (Jones S) as amended, makes a technical change to define related services as mental health services.
[moved to full committee]

HB 3659 (Stewart) as amended, allows municipalities to create an administrative hearing officer to hear property code violations.
[moved to full committee]

HB 3955 (Stewart) revises method of serving summons for forcible entry and detainer warrants; allows sheriff to post copy of warrant on premises after three failed attempts of personal service of process within six days instead of 10 days from required date of appearance.
[moved to full committee]

HB 3103 (Lundberg) states that if service of a summons is made on an employee of a garnishee where the employee is also the debtor, then the summons is voidable as improper service.
[moved to full committee]

HB 3078 (Haynes) entitles employers to retain an administrative fee of \$5.00 from the judgment debtor each time payment is made to the court for amounts of an employee's disposable earnings subject to the garnishment.
[moved to full committee]

HB 3314 (Cobb T) provides that owners of land used for private airstrips and other such activities shall owe no duty of care to keep such land safe for entry by others for aviation purposes or to warn of hazardous conditions. The amendment clarifies that government entities, corporations, and other non-human entities are not covered by this statute.
[moved to full committee]

HB 3383 (Sontany) allows Davidson County as well as Shelby County and municipalities within to enact ordinance allowing for the district attorney to petition general sessions court for destruction of dangerous dogs.
[moved to full committee]

HB 3142 (Bell) as amended adds a civil penalty not exceeding five hundred dollars for violating an order of protection.
[moved to full committee]

HB 3254 (Armstrong) clarifies that the Bureau of TennCare is subject to the one-year statute of limitations in which to file a claim against an estate;

removes the requirement that the personal representative submit a release or waiver prior to closing an estate.
[moved to full committee]

HB 2000 (Curtiss) as amended, requires that any action to recover a balance due on a note secured by a deed of trust must be done after foreclosure and within one year of the foreclosure sale. The amendment also creates a rebuttable presumption that the foreclosure purchase price was the fair market value of the property.
[moved to full committee]

HB 2671 (Evans) as amended, allows for any counties legislative body to allow judicial commissioners to receive yearly continuing education from appointed general sessions judge or judges instead of the Commissioners Association of Tennessee or Tennessee Court Clerks Association.
[moved to full committee]

HB 3954 (Stewart) as amended, allows a general sessions judge to postpone a trial for forcible detainer if the parties agree, no civil court is being conducted, or upon request of the plaintiff with the party asking for the postponement paying the costs.
[moved to full committee]

HB 3588 (Coleman) as amended, requires lender, trustee, or other creditor to send the debtor a notice of the right to foreclose via regular mail prior to the first publication of a notice of a foreclosure sale. The notice is to be sent no less than 60 days prior to the first publication. The amendment includes a standardized form to be used as the notice of the right to foreclose.
[moved to full committee]

The following bills were rolled one week:

HB 2649 (Tidwell)
HB 3881 (Kernell)
HB 0126 (Hardaway)
HB 2437 (Hardaway)
HB 3338 (Carr)
HB 3385 (Sontany)

HB 3952 (Weaver)
 HB 3178 (Turner)
 HB 3905 (McCord)
 HB 3226 (McCord)
 HB 3651 (Stewart)
 HB 3583 (Coleman)
 HB 1384 (Maggart)
 HB 3560 (Rowland)
 HB 3572 (Rowland)
 HB 3564 (Rowland)
 HB 3391 (Moore)
 HB 3585 (Coleman)
 HB 2668 (Coleman)
 HB 3224 (McCord)

HB 3464 (McCord)
 HB 0675 (Turner)
 HB 3058 (Niceley)
 HB 0185 (Floyd)
 HB 3382 (Sontany)
 HB 0682 (Cooper)
 HB 0130 (Hardaway)
 HB 3882 (Kernell)
 HB 3880 (Kernell)

The following bill was rolled two weeks:
 HB 3380 (Sontany)

The following bills were taken off notice:

HB 3123 (Dunn)
 HB 2160 (Maggart)
 HB 3239 (McCord)
 HB 3083 (Coley)

Civil Practice and Procedure will hear its last calendar on March 24, 2010.



Chairman Todd

THE FULL COMMITTEE

The **State & Local Government Committee** passed out twenty-seven bills on Tuesday during its full committee meeting.

HB 193 (Mumpower) as amended would allow the community of Bristol to create a Medical School Authority which will help provide economic

incentives to public and private medical schools to offer classes in the community.
[passed to Calendar & Rules]

HB 3522 (Odom) as amended would allow manufacturers or distillers that hold a retail license to charge a fee for tours of the grounds of the manufacturing site or distillery.
[passed to Calendar & Rules]

HB 3764 (Odom) as amended Requires the Secretary of State to file a copy of the previous year's consolidated report on Help America Vote Act's (HAVA) Title 11, Sections 101 and 251 requirements and payments to the House and Senate Finance, Ways and Means Committees.
[passed to Calendar & Rules].

HB 3819 (Borchert) makes various revisions related to the determination of preference points for veterans and spouses of veterans in the state application process. An amendment to the bill allows that veterans who did not serve during a period of war will receive 2 points for earned ratings for entrance to the career service.
[passed to Calendar & Rules]

HB 2395 (Dennis) would change the date of city elections in Savannah to coincide with the general state election beginning in November 2012. It also extends the time by which the city may contract with the city manager to three years. An amendment was adopted that corrects technical issues relating to the dates of the elections.
[passed to Calendar & Rules]

HB 2894 (Maggart) as amended would authorize utility districts in the City of Goodlettsville to enforcement payment of outstanding garbage collection and disposal fees by filing a lien on the property.
[passed to Finance, Ways & Means]

HB 3364 (Gilmore) requires the Solid Waste Disposal Control Board and the Department of Environment and Conservation to demonstrate compliance with Public Chapter 462 of 2007 before taking any action concerning solid waste regulation.
[passed to Calendar & Rules]

HB 3555 (Bass) revises the terms of loans to local governments operating a waste water facility. This change would allow counties to help fund upgrades and repairs to water lines.
[passed to Calendar & Rules]

HB 3847 (Turner M) creates the Tennessee Residence Commission which will formulate and develop a plan and program for the restoration and preservation of the contiguous grounds and building of the Tennessee Residence. An amendment was added to clarify that the commission will consist of nine voting members: the governor, the first spouse, the commissioner of general services, the state architect, and the chair of the Tennessee historical commission. Each of those members may choose a designee to attend in their place. The final four members of the commission are private citizens that are appointed by the governor. An amendment was passed combined the Government Operations amendment with the State Government Subcommittee.
[passed to Finance, Ways & Means]

HB 3911 (Rich) would allow a Tennessee Highway Patrol member that retires honorably after twenty years of service to receive a retired commission card, as well as to keep their badge and weapon.
[passed to Calendar & Rules]

HB 3970 (Hackworth) as amended would establish a new charter for the City of Norris.
[passed to Calendar & Rules]

HB 3252 (Armstrong) as amended would grant special consideration for businesses owned by service-disabled veterans in procuring state contracts, similar to the consideration given to businesses owned by women.
[passed to Finance, Ways & Means]

HB 3253 (Armstrong) makes changes to the procedures for counties making appropriations to nonprofit charitable organizations. This bill would allow the required notice that must be posted when an appropriation is made to a non-charitable nonprofit by a county to be posted online, instead of in a newspaper. It also specifies that any nonprofit organization that receives aid

that does not exceed \$750 is not required to submit an annual report to the county clerk.
[passed to Calendar & Rules]

HB 3152 (Tindell) updates the code relative to the Commission on Firefighting Personnel Standards. An amendment clarifies that retired firefighters can serve on the Commission and it also clarifies language relative to volunteers.
[passed to Calendar & Rules]

HB 3153 (Tindell) changes the definition of low-income households under the Competitive Cable and Video Services Act, average households under the Tennessee Housing Development Agency, and the income limit under the Property Tax Freeze Act to include the most recent release of the U.S. Census Bureau's American Community Survey (ACS) five-year estimates. An amendment deleted the Property Tax Freeze program after county governments requested more time to study this.
[passed to Finance, Ways & Means]

HB 3953 (Harmon) amends the charter of Altamont to extend the term of the mayor and alderman to two years, and would also change the month of election for those offices from May to November.
[passed to Calendar & Rules]

HB 3941 (Halford) abolishes the office of the juvenile court clerk in Gibson County. The duties of that office will be carried out by the county clerk. This change is due to budget cuts in the county.
[passed to Calendar & Rules]

HB 3966 (Halford) changes the staggering of the terms for members of the board of education of the Milan Special School District. Four members will be elected in one year, and the remaining three members will be elected in another.
[passed to Calendar & Rules]

HB 3967 (Halford) would allow the General Assembly to increase the tax rate of the Trenton Special School District from \$2.16 to \$2.30.
[passed to Calendar & Rules]

HB 3969 (Evans) conforms the Springfield board of mayor and alderman action that must be exercised by ordinance to the requirements of the general law.
[passed to Calendar & Rules]

HB 3878 (Litz) would define "lawful charges" by a purchaser of property that was sold for taxes to include reasonable payments for maintenance and insurance. This would be used to help determine the amount that needs to be paid to redeem the property.
[passed to Calendar & Rules]

HB 3965 (Litz) increases the hotel/motel tax from 5% to 7% in Morristown.
[passed to Calendar & Rules]

HB 3175 (Swafford) as amended would authorize cooperative purchasing agreements among cities or municipalities for the procurement of supplies, services, or construction. It would also allow municipalities to enter into master agreements, as long as the terms of the agreement are approved by adopting a resolution.
[passed to Finance, Ways & Means]

HB 3633 (Todd) requires any state department, agency, or institution to procure bids for the appropriate insurance for a commercial-grade vehicle before acquiring the vehicle.
[passed to Calendar & Rules]

HB 3634 (Todd) adds two law enforcement members from the Tennessee Sheriffs Association and the Tennessee Association of the Chiefs of Police to the advisory committee on open government.
[passed to Finance, Ways & Means]

HB 2101 (Towns) Permits state employees to obtain additional

employment so long as the additional employment does not interfere with their state employment schedule.
[passed to Calendar & Rules]

The following bills were rolled for one week:

HB 2842 (Sargent)

HB 3061 (Niceley)

HB 2965 (Faulkner)

HB 2833 (Todd) was taken off notice.

ELECTIONS SUBCOMMITTEE

The **Elections Subcommittee** met on Tuesday and moved one bill to the full committee.

HB 3060 (Niceley) as amended specifies that if an individual wins a primary election, that individual becomes the nominee of that party and that decision can't be overturned by a party's executive committee.
[passed to full committee]

The following bills were rolled for one week

HB 3705 (Towns)

HB 3065 (Campfield)

HB 0639 (Maggart)

HB 3587 (Coleman) rolled to the last calendar

The following bills were taken off notice

HB 1770 (Todd)

HB 3019 (DeBerry, J) An amendment was attached before the bills was taken off notice.

HB 3626 (Dennis)

HB 3714 (Hardaway)

HB 3715 (Hardaway)

HB 0031 (Hardaway)

The Elections Subcommittee will have its final calendar Tuesday, March 23rd



STATE GOVERNMENT SUBCOMMITTEE

On Tuesday, March 16th, the State Government Subcommittee met with 21 bills on its calendar. Nine bills were moved to the full committee, ten were rolled, one was taken off notice and one failed in committee. Actions this week were as follows:

HB 2483 (Harmon) authorizes TRICOR to develop policies for the sale of TRICOR products to offenders in the custody of the Department of Correction (DOC).
[moved to the full committee]

HB 2484 (Harmon) authorizes TRICOR to enter into longer leases of land, improvements or facilities located at a prison facility if the lease is entered into by TRICOR with private sector businesses under a joint venture program (P.I.E. program) or other service program that employs inmates for the production of goods.
[moved to the full committee]

HB 2485 (Harmon), with an amendment, authorizes TRICOR to sell as surplus property equipment and raw materials to businesses, government,

non-profit organizations, or by public auction.

[moved to the full committee]

HB 3788 (DeBerry) broadens the definition of "correctional services" to include operation of transitional facilities for purposes of the Private Prison Contracting Act of 1986. Defines "transitional facilities" as any adult institution with 150 beds or less, operated by the Department of Correction (DOC) or a non-profit entity operating under the authority of DOC, and providing short-term transitional services to offenders within one year of release, excluding sex offenders.
[moved to the full committee]

HB 3521 (DeBerry) deletes the Department of Audit as the recipient of each state governmental entity's annual Title VI implementation plan and compliance report and makes the Tennessee Human Rights Commission the official recipient of such reports. The bill deletes the requirement that the Department publish an annual cumulative report of its findings and recommendations concerning submission of implementation plans and compliance reports. The

sponsor says the bill eliminates duplication of reporting.

[moved to the full committee]

HB 3227 (McCord) requires the Commissioner of Correction to maintain at least one canine trained to detect contraband telecommunication devices, such as cell phones, at each correctional facility under the commissioner's charge. If there is more than one such facility located in a county, the commissioner will be authorized to maintain one canine to serve such facilities.

[moved to the full committee]

HB 3218 (Hawk), a notification bill, prohibits a covered generator from disposing of mercury-added consumer products as non-hazardous solid waste on or after January 1, 2011. By that date, the Department of Environment and Conservation would develop and publish, including posting on the department's web site, education materials on the requirements of this bill and the effects of improper mercury disposal. An amendment(s) is forthcoming.

[moved to full committee]

HB 3756 (West) authorizes the Tennessee State Museum to contract for the repair, renovation and maintenance of the McCampbell House in Donelson, a house pre-dating The Hermitage which was bequeathed to the museum. A 501(c)(3) will be created to raise funds.

[moved to the full committee]

HB 2913 (Cooper) requires the Commissioner of the Department of Correction to report to the Select Oversight Committee on Corrections the number of nonviolent offenders incarcerated in DOC facilities who are age 65 or older. The report shall determine the number of inmates, facility location, and the amount of money spent on such inmates.

[moved to the full committee]

Rolled one week, either by sponsor or committee:

HB 3576 (Rowland)

HB 2911 (Gilmore)

HB 2974 (Shaw)

HB 3429 (McDonald)

HB 3885 (Kernell)

HB 2915 (Cooper)

HB 2915 (Cooper)

HB 3347 (Curtiss)

HB 3165 (Curtiss)

HB 3350 (Curtiss)

Taken off Notice:

HB 0040 (Hardaway)

Failed in subcommittee:

HB 3180 (Turner, M.)

LOCAL GOVERNMENT SUBCOMMITTEE

Per the call of the chair, the State Government Subcommittee will hear its last calendar on Tuesday, March 23rd.

On Wednesday, March 17th, the Local Government Subcommittee met with 43 bills on its calendar. Nine bills were moved to the full committee, 28 were rolled (seven to the last calendar), two were taken off notice and four failed in committee. Actions this week were as follows:

HB 2865 (Haynes), with an amendment, adds continuing education requirements for members of a utility district board of commissioners; removes language requiring the Utility Management Review Board (UMRB) to conduct contested case hearings in the utility district's service area; requires the Review Board to hear cases regarding the removal of utility district commissioners charged with chronic absenteeism; and suspends indicted commissioners from service pending the disposition of the criminal case. States that only persons who are residing within the district or are customers of the district are eligible for appointment or election to the local utility board. Verbal amendments were offered in committee removing gas

utilities and energy authorities from the bill.

[moved to the full committee]

HB 3417 (Winningham) authorizes industrial development corporations to finance infrastructure expenses serving certain mixed-use developments, including commercial and residential uses of more than 500 acres and located in a county classified as an enhancement county. The sponsor added that an amendment will be brought before the full committee to sunset this in three years.



Representative Winningham

[moved to the full committee]

HB 3603 (Fitzhugh), with an amendment, requires utility districts that fail to file a schedule of water loss be referred to the Utility Management Review Board or the Water and Wastewater Financing Board.

[moved to the full committee]

HB 3598 (Fitzhugh), presently a caption bill, limits proximate but noncontiguous property added to a megasite to no more than 500 acres.

[moved to the full committee]

HB 3695 (Niceley), with an amendment, adds to present law provisions governing comprehensive growth plans and planned growth areas to prohibit counties designated by the Environmental Protection Agency as non-attainment counties (i.e., not attaining the national ambient air standards) from proposing and adopting areas that include Class I, Class II or Class III agricultural property. Verbal amendments offered in committee removed Davidson and Shelby Counties from the provisions of the bill.
[moved to the full committee]

HB 3732 (Borchert) authorizes the sale of alcoholic beverages for on-premises consumption at a restaurant within a Tennessee River Resort District with an indoor seating capacity of at least 40 people and an outdoor seating capacity of at least 75 people.
[moved to the full committee]

HB 3853 (Niceley) prescribes measures to be taken by operators of solid waste disposal facilities or parcels to minimize soil erosion upon closure of such facilities or parcels.
[moved to the full committee]

HB 3646 (Sargent) with an amendment, affects a premier type tourist resort in Dekalb County.
[moved to the full committee]

HB 3958 (Rowland), relative to the charter of the City of Murfreesboro and subject to local approval, authorizes the city council to appoint one person to hold the office of city treasurer and the office of city recorder.
[moved to the full committee]

Rolled, either by sponsor or committee:

HB 3448 (Pitts) – one week
HB 3565 (Rowland) – one week
HB 3731 (Tidwell) - one week
HB 3854 (Faulkner) – one week
HB 3956 (Stewart) – one week
HB 3451 (Coleman) - one week
HB 3160 (Curtiss) – one week
HB 3697 (Curtiss) – one week
HB 2827 (Coley) – two weeks
HJR 0852 (Jones, S.) – one week
HB 3268 (Jones, S.) – one week
HB 2635 (DeBerry, J.) – one week
HB 2900 (Dean) – one week
HB 2899 (Dean) – one week
HB 3443 (Hill) - last calendar
HB 3892 (Hill) – last calendar
HB 2187 (Brooks, K.) – one week
HB 2666 (Lundberg) – one week

HB 3563 (Rowland) – one week
HB 3562 (Rowland) – one week
HB 3312 (Camper) – one week
HB 0021 (Hardaway) – last calendar
HB 0022 (Hardaway) – last calendar
HB 1139 (Hardaway) – last calendar
HB 3690 (Hardaway) – one week
HB 3729 (Hardaway) – last calendar
HB 3404 (Ramsey) – one week
HR 0265 (Tindell) – one week

Taken off notice:

HB 2720 (Campfield)
HB 3636 (Todd)

Failed in subcommittee:

HB 3356 (Niceley)
HB 3032 (Niceley)
HB 3852 (Niceley)
HB 3574 (Rowland)

*The last scheduled meeting of the
Local Government Subcommittee
will be Wednesday, March 31st.*

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FULL COMMITTEE

The **House Transportation Committee** convened March 17, 2010 to hear nine bills.

HB3394 (Hensley), HB2653 (Maggart), HB262 (Carr), HB2544 (K. Brooks) and HB3361 (Campfield) were deferred for one week.

HB3267 (Harmon) was passed by the committee and referred to the **Calendar and Rules Committee**. The bill clarifies that municipalities may by ordinance adopt all provisions of law included in the rules of the road for local enforcement.

HB3791 (Pitts) was passed by the committee and referred to the **Finance, Ways and Means Committee**. The bill clarifies and adds to the types of information that must be included in traffic citations and abstracts of court records pertaining to traffic violations.



Representative Pitts

The bill requires persons holding commercial driver licenses to have a medical card or provide evidence of exemption beginning January 1, 2011. The bill makes other changes concerning motor vehicles to bring Tennessee into compliance with federal regulations.

The following bills were passed by the committee and will be placed in the **Omnibus Special License Plate Bill**: **HB3581 (Ford)** – As amended, authorizes issuance of new specialty earmarked plates for Volunteer Wounded Warriors. It allocates funds from such plates to Veterans Affairs for assistance with veterans' rehabilitation and care. **HB2912 (Cooper)** – Authorizes issuance of Down Syndrome awareness new specialty earmarked license plates. As amended, it allocates 50 percent of funds derived from sale of the plates to The Down Syndrome Policy Network of Tennessee.

RURAL ROADS SUBCOMMITTEE

The **Rural Roads Subcommittee** met this week to consider 34 bills.

HB3260 (Odom), HB1313 (Harmon), HB1620 (McCord), HB3119 (Gilmore), HB3520 (J. DeBerry) and HB3906 (McCord) were taken off notice

HB150 (Sargent) was rolled to the call of the chair.

The following bills passed on a Consent Calendar and were referred to the full **Transportation Committee**: **HJR851 (West)** – Names a bridge on McGavock Pike in Davidson County “Chris Levering Memorial Bridge.”

HJR806 (Shepard) – Names a segment of S.R. 49 in Dickson County “Sgt. Kenneth W. Harris, Jr. Memorial Highway.”

HB3471 (Naifeh) – Names a part of I-40 in Shelby County “Isaac Hayes Memorial Highway.”

HJR807 (McDaniel) – “Frank Davidson Memorial Bridge” highway signs on a bridge on U.S. Highway 64 in Wayne County.

HB3924 (Fitzhugh) – “Veterans Memorial Highway” on a segment of U.S. Highway 70A/79 in Crockett County.

HB3735 (Fraley) – Expresses intent to name appropriate bridge on S.R. 840 in honor of the late PFC Nathan B. Clemons, USMC.

HB3736 (Fraley) – Expresses intent to name appropriate bridge on S.R. 840 in honor of the late Lance Corporal Gregory Posey, USMC.

HJR793 (Marsh) – “Rear Admiral Jerry Creighton Breast Highway” highway signs on a segment of S.R. 64 in Bedford County.

HB2548 (Lundberg) – “PFC Roy W. Neal Memorial Bridge” highway signs on a bridge on S.R. 75 in Sullivan County.

HB2663 (Lundberg) – “Veterans Memorial Highway” highway signs on a segment of S.R. 44 in Sullivan County.

HB3438 (Harrison) – “Purple Heart Trail” highway signs on a segment of S.R. 33 in Hancock County.

HB3739 (Matheny) – expresses intent to name appropriate bridge on S.R. 840 in honor of the late Sgt. David Alexander Stephens, U.S. Army.

HB3740 (Matheny) – Expresses intent to name appropriate bridge on S.R. 840 in honor of the late PFC Brian J. Schoff, U.S. Army.

HJR796 (Bone) – “Pat Fergusson Memorial Highway” highway signs on a segment of S.R. 141 in Trousdale County.

The following bills passed by the subcommittee and were referred to the full **Transportation Committee**:

HB1338 (McDonald) – As amended, expresses intent to name appropriate bridge on S.R. 840 in honor of the late CW2 Billie Jean Grinder, Tennessee National Guard.

HB3230 (McCord) – As amended, asks TDOT to study to redress flooding problem caused by clearing landslide into the Little River near the Sunbright Community in Blount County.

HB3509 (Niceley) – As amended, makes permissive for Tennessee opting out of federal aid highway program and electing instead to retain state's contributions to federal highway trust fund each fiscal year, if and when Congress enacts legislation to permit such action.

HB2814 (Armstrong) – Removes provision providing that certain highway signs are paid from the highway fund subject to appropriation by the general assembly.

HB3828 (T. Cobb) – Revises provisions governing the maximum weight per axle or group of axles allowed on public highways.

HB3041 (Dennis) – Allows Commissioner of TDOT when receiving certain federal transportation enhancement grant funding for acquisition of scenic or historic sites to contract with certain civil war preservation organizations for use of such funds.

HB2728 (Harmon) – Defines "agreement" for purposes of the Billboard Regulation and Control Act of 1972.

HB3150 (Harwell) – Eliminates the 18-month period of time in which certain permits may be issued for outdoor advertising in particular locations.

HB2792 (Harrison) – Extends the time period that a permanent disabled parking placard is valid from two to five years. An amendment was adopted to raise the fee from \$3 to \$7.50.

HB3225 (McCord) – Clarifies property that is excluded from being

defined as a heliport in a tourist resort county is limited to private property used for the landing of a privately owned and operated helicopter for private non-commercial purposes.

HB3627 (Weaver) – As amended, encourages TDOT to prioritize projects using certain objectives, and urges the commissioner to submit annually to the Transportation Committees of the House and Senate a list of bridges under the bridge bond program. The bill also encourages TDOT to continue to work to complete the county seat connector program.

HB3725 (Ferguson) – As amended, urges TDOT to study the level of permit fees on oversize loads.

HB3747 (Sontany) – Creates a special joint legislative study committee to study need for local dedicated funding for public transportation in Middle Tennessee. The committee would be comprised of eight legislative members and three non-voting ad hoc members.

Rural Roads Subcommittee closed subject to the call of the chair.

PUBLIC SAFETY SUBCOMMITTEE

The **Public Safety & Rural Roads Subcommittee** met March 16, 2010 to consider seventeen bills.

HB1312 (Harmon), HB3870 (Harmon), HB1426 (Niceley), HB149 (Mumpower), HB2733 (Mumpower), HB2738 (Mumpower), HB2883 (Mumpower), HB3930 (P. Johnson), HB3262 (P. Johnson), HB36 (Hardaway), HB2779 (McCord), HB3120 (Gilmore), HB2940 (Carr) and HB3960 (Armstrong) were rolled one week.

HJR381 (Hardaway) and HB2745 (Cooper) were taken off notice.

HB2416 (M. Turner) was passed by the committee and referred to the full **Transportation Committee**. The bill authorizes widows and widowers of persons entitled to receive holders of Purple Heart memorial plate to obtain plate upon such person's death.

The **Public Safety Subcommittee** meets next week.